

REMARKS

The Section 103 Rejections of Claims 1-4, 11-17, 19, 23-29, 32-37 and 41

Claims 1-4, 11-17, 19, 23-29, 32-37 and 41 were rejected under 35 U.S.C. §103(a) as being obvious based on the combination of Gregory et al., U.S. Patent No. 6,289,097 (“Gregory”) and Low et al., U.S. Patent No. 6,136,095 (“Low”). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention is directed at a method or an apparatus for routing traffic over a Public Switch Telephone Network (“PSTN”). Referring to FIG. 1, it can be seen that the method and apparatus of the present invention is located between two tandem switches which are a part of the PSTN. One goal of the present invention is to provide a “PSTN” off-load (see page 5, line 12). To do so the method and apparatus of the present invention is “interposed within the signaling network and a digitized transmission system of the existing PSTN” (page 6, lines 5-6). The methods and apparatuses of the present invention act “as a node within the signaling network” of the PSTN (see page 6, line 7).

In contrast, Gregory does not disclose or suggest a method for routing traffic over the PSTN. Instead, Gregory appears to prevent traffic from ever reaching the Public Switched Telephone Network 18. Said another way, Gregory does not disclose methods and devices which are “interposed within the signaling network in a digitized voice transmission system of an existing

PSTN." In sum, Gregory does not disclose or suggest "routing traffic over a PSTN," as is required by the claims of the present invention. Rather, it appears that Gregory's techniques are located wholly outside of the PSTN.

In the Final Office Action, the Examiner acknowledges that Gregory does not disclose that its techniques can be used over the PSTN. Nonetheless the Examiner goes on to indicate that in the Examiner's opinion Gregory "does provide some facts that would lead a skilled reader to understand that the method could be utilized in a PSTN." However, the Examiner inasmuch acknowledges that Gregory does not, in fact, disclose or suggest that it can be used in a PSTN because the Examiner goes on to combine Gregory with Low.

Applicant believes that a fair reading of Gregory is that it does not disclose or suggest, or even imply as may be suggested by the Examiner, that it can be used for routing traffic "over a PSTN." It appears that the whole purpose of the technique disclosed in Gregory is to prevent traffic from ever reaching the PSTN. Gregory explicitly says that a "redirect repeater 16 provides access to computer network 22 and avoids routing telephone connections through the PSTN". In addition, avoiding routing the telephone call [sic] through the PSTN conserves PSTN network resources" (see column 7, line 67 to column 8, line 5).

In sum, rather than disclose or suggest the routing of traffic over a PSTN Gregory explicitly teaches away from such a routing.

To make up for the deficiency in Gregory, the Final Office Action relies on Low. More specifically, the Examiner relies on an excerpt from Low which states:

“The PSTN would then need to separate the combined data and voice streams coming from [a location] at some point and pass each to its appropriate destination...”

Applicant respectfully submits that such a disclosure is not suggestive of the claimed inventions, taken separately or combined with Gregory, for at least the following reasons.

Initially, Applicant notes that Low does not suggest how data and voice streams should be passed to its appropriate destination. One such technique is provided by Gregory which explicitly relies on techniques which prevent traffic from ever reaching the PSTN. Therefore, the combination of Gregory and Low does not disclose, nor does it suggest, the claimed inventions which require the routing of traffic over a PSTN.

In order to anticipate or render obvious the claims of the present invention, the disclosure in Gregory would have to be modified to allow it to work over a PSTN. This is impermissible because modifying the technique in Gregory would render Gregory unsatisfactory for its intended purpose. This is impermissible (MPEP 2143.901). Accordingly, Applicant respectfully submits that the claims of the present invention would not have been obvious to one of ordinary skill in the art at the time the present application was filed upon reading the disclosures of Gregory and Low.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-4, 11-17, 19, 23-29, 32-37 and 41.

The Section 103 Rejections of Claims 5-9, 18, 20-22, 30, 31 and 38-40

Claims 5-9, 18, 20-22, 30, 31 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregory combined with Low and in further view of Deschaine et al., U.S. Patent No. 6,327,258 ("Deschaine").

Initially, Applicant notes that most of these claims depend on independent claims 1, 19, 23. Accordingly, Applicant respectfully submits that these claims are patentable over a combination of Gregory, Low and Deschaine for the reasons given above, namely, neither Gregory, Low nor Deschaine, taken separately or in combination, discloses routing traffic over a PSTN network.

In addition, Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine Gregory and Low with Deschaine because to do so would render either one or more of these references unsatisfactory for their intended purposes or require the principle of operation of one or more of these references to be changed. Gregory appears to disclose a repeater 16 which is capable of distinguishing between computer data and a telephone call. In contrast, Deschaine does not disclose a device which is capable of distinguishing between computer data and a telephone call. Instead, Deschaine discloses a class 5 voice switch 16 that serves an origin location and a separate Internet routing element 24 that handles only IP call

types. Any attempt to combine the two or combine Deschaine with Gregory and Low would mean that either the repeater in Gregory would have to be modified to accept only a single call type or the Internet routing element 24 or class 5 switch 16 in Deschaine would have to be modified to accept both voice and IP data. Neither is permissible (see MPEP 2143.01).

Accordingly, Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine Gregory and Low with Deschaine to arrive at the subject matter of claims 5-9, 18, 20-22, 30, 31 and 38-40 of the present invention. Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 5-9, 18, 20-22, 30, 31 and 38-40.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy